

The status of the claims are as follows: Claims 1 - 22 were presented for prosecution. Claims 5, 8, 9, 15, 18 and 19 were previously canceled. Thus, claims 1 - 4, 6, 7, 10 - 14, 16, 17 and 20 - 22 presently remain pending for consideration.

Claims 1-4, 6, 7, 11-14, 16, 17, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Müller *et al.* (US Patent No. 4,742,667) in view of Kelbrick *et al.* (US Patent No. 5,534,222) and Kümmerer (US Patent No. 4,936,486). Claims 10, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Müller *et al.*, Kelbrick *et al.*, and Kümmerer, and further in view of Caudill (US Patent No. 5,007,232).

The Applicants respectfully traverse the 103(a) rejection with the following arguments. The Examiner has failed to show a *prima facie* case of obviousness in that Müller fails to teach, or suggest, several features of the present invention. The Examiner alleges in the Office Action that Müller only "fails to teach the source of compressed air is sterile, that the heat source is a source of heated air that is mixed with the atomized sterilant, or that the metering device is a spoon dipper apparatus" (Page 2, Paragraph 2). Thus, the Examiner is implying that Müller, *inter alia*, discloses a second supply source of hot sterile air. Respectfully, Müller does not teach, or suggest, a **"second supply source of a continuous hot sterile air for continuously providing the hot sterile air to the atomized sterilant"**, as recited in claim 1. Further, Müller does not teach, or suggest, a **"providing a second supply source of continuous hot sterile air to the atomized sterilant"**, as recited in claim 11. Finally, Müller does not teach, or suggest, a **"means for supplying a second source of a hot sterile air to the atomized sterilant"**, as recited in claim 21. Contrastingly, Müller clearly only discusses a first supply of air which atomizes the sterilant and another supply of air which dries the sterilant (i.e., roughly analogous to the third source of hot sterile air in the present invention). Nowhere is there disclosed, or suggested, applying hot sterile air to the atomized sterilant, or a structural equivalent in Müller. Further, neither Kelbrick *et al.*, Kümmerer,

nor Caudill remedy the glaring deficiencies in Müller.

Additionally, the Examiner has not made a *prima facie* case of obviousness as to why one would combine Müller *et al.* with Kelbrick *et al.* Specifically, Kelbrick teaches a method of sterilizing a cabinet *prior to the sterilization of containers*. Thus, all the disclosures of mixing sterilants and hot air within Kelbrick speak to a method of sterilizing a cabinet. Conversely, Müller *et al.* discloses sterilizing containers. There is no teaching, or suggestion, in Kelbrick, of using its methods in the sterilizing of containers, as contrasted with the present invention.

Finally, neither Müller *et al.* nor Kelbrick *et al.* teach, or suggest, a second supply source of hot sterile air, wherein the hot sterile air is continuous. To the contrary, the various airs applied in Müller *et al.* and Kelbrick *et al.* are only intermittent. For example, the hot air in Kelbrick that the Examiner alleges is mixed with the atomized sterilant (Col. 4, lines 16,50) only during the cabinet sterilization procedure. Thus, independent Claims 1, 11 and 21 are not obvious in light of Müller *et al.* in view of Kelbrick *et al.* and Kümmerer and the rejection under 103(a) should be withdrawn.

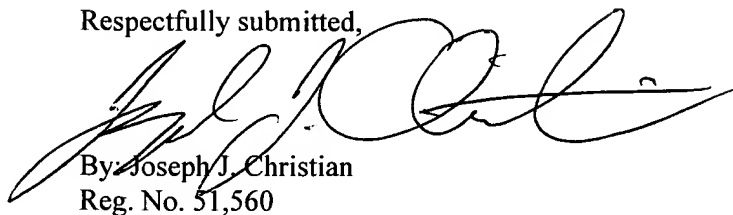
In light of the foregoing amendments and arguments, Applicants submit that dependent claims 2-14, 6-7, and 10 are allowable as being dependent upon independent claim 1. Further, Applicants submit that dependent claims 12-14, 16-17, and 20 are allowable as being dependent upon independent claim 11. Finally, Applicants submit that dependent claim 22 is allowable as being dependent upon independent claim 21.

In summary, based on the aforementioned arguments, none of the references cited by the Examiner nor any other known prior art, either alone or in combination, disclose the unique combination of features disclosed in Applicants' claims presently on file. Thus, Applicants respectfully submits that the entire application is in condition for allowance. However, should the Examiner believe anything further is necessary in order to place the application in better condition for allowance, or if the Examiner believes that a telephone interview would be advantageous to resolve the issues presented, the Examiner

is invited to contact Applicants' undersigned representative at the telephone number listed below.

Date: 1/9/2003

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph J. Christian", written over the typed name and registration number.

By: Joseph J. Christian

Reg. No. 51,560

Schmeiser, Olsen & Watts
3 Lear Jet Lane, Suite 201
Latham, NY 12110
(518)220-1850
jchristian@iplawusa.com